

RESOLUTION GRANTING THIRD ROUND SUBSTANTIVE CERTIFICATION #28-09

Delaware Township, Hunterdon County

WHEREAS, Delaware Township, Hunterdon County, petitioned the Council on Affordable Housing (COAH) for third round substantive certification of a Housing Element and Fair Share Plan addressing its total 1987-2018 affordable housing obligation on December 30, 2008; and

WHEREAS, Delaware's petition was deemed complete on March 13, 2009; and

WHEREAS, Delaware Township published notice of its petition in the *Hunterdon County Democrat* on March 19, 2009, which is a newspaper of general circulation within the county, pursuant to N.J.S.A. 52:27D-313 and N.J.A.C. 5:96-3.5; and

WHEREAS, during the 45-day objection period, which ended May 3, 2009, COAH received comments from Fair Share Housing Center regarding the Township's use of all group homes to address the Township's very-low income obligation; and

WHEREAS, Fair Share Housing Center's comment was addressed by the Township in a letter dated on July 21, 2009; and

WHEREAS, Delaware Township's fair share plan addresses its rehabilitation obligation of eight units, a 23-unit prior round obligation, and a 52-unit projected growth share obligation, after exclusions, pursuant to Appendix F of N.J.A.C. 5:97; and

WHEREAS, Delaware Township's plan proposes to address its eight-unit rehabilitation obligation with eight credits for rehabilitated units; and

WHEREAS, Delaware Township's plan proposes to address its 23-unit prior round obligation with six prior cycle credits for a six bedroom ARC group home, five RCA credits

through a completed RCA with Lambertville, and three credits and three rental bonuses for a completed three-bedroom Allies group home, and three credits for three completed family rental units in the Perimeter inclusionary development, for a total of 22 credits and bonuses; and

WHEREAS, Delaware Township's plan proposes to address its remaining one-unit obligation with a proposed eight-bedroom ARC age-restricted group home; and

WHEREAS, Delaware Township's plan proposes to address its projected growth share obligation with three credits for three completed family rental units in the Perimeter inclusionary development, for a total of three credits; and

WHEREAS, Delaware Township's plan proposes to address its remaining 49-unit projected growth share obligation with the remaining seven bedrooms in the proposed ARC age-restricted group home, a ten-unit Accessory Apartment Program, a proposed four-bedroom Allies group home, and a proposed 15-unit municipally sponsored 100 percent affordable housing project known as the Skylands, for which the Township is requesting 13 rental bonuses; and

WHEREAS, pursuant to N.J.A.C. 5:97-3.2(a)4, Delaware has provided implementation schedules that demonstrate a realistic opportunity and set forth a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.6 for the proposed Skylands municipally sponsored 100 percent affordable housing project and the proposed Allies group home; and

WHEREAS, pursuant to N.J.A.C. 5:96-6.2(a)2, on July 24, 2009 COAH issued a Compliance Report (attached as Exhibit A and incorporated by reference herein) recommending approval of Delaware Township's petition for third round substantive certification; and

WHEREAS, there was a 14-day period to submit comments to the COAH Compliance Report pursuant to N.J.A.C. 5:96-6.2(b) and COAH received no comments.

NOW THEREFORE BE IT RESOLVED the Housing Element and Fair Share Plan submitted by Delaware Township comports to the standards set forth at N.J.S.A. 52:27D-314 and meets the criteria for third round substantive certification pursuant to N.J.A.C. 5:96-6.3; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(a) and after having reviewed and considered all of the above, COAH hereby grants third round substantive certification to Delaware Township; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(e), Delaware Township shall adopt all implementing Fair Share Ordinances within 45 days of the grant of substantive certification; and

BE IT FURTHER RESOLVED that if Delaware Township fails to timely adopt its Fair Share Ordinances, COAH's grant of substantive certification shall be void and of no force and effect; and

BE IT FURTHER RESOLVED that Delaware shall submit all Fair Share Ordinances to COAH upon adoption; and

BE IT FURTHER RESOLVED that Delaware shall comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting Delaware's actual growth pursuant to N.J.A.C. 5:97-2.5; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-10.1, COAH shall conduct biennial plan evaluations upon substantive certification of Delaware's Housing Element and Fair Share Plan to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to

determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing; and

BE IT FURTHER RESOLVED that if upon any biennial review the difference between the number of affordable units constructed or provided in Delaware and the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater, the Township is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, COAH may direct Delaware Township to amend its plan to address the shortfall; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:97-2.5(e), if the actual growth share obligation determined is less than the projected growth share obligation, Delaware shall continue to provide a realistic opportunity for affordable housing to address the projected growth share; and

BE IT FURTHER RESOLVED that pursuant to N.J.A.C. 5:96-6.3(b), Delaware's substantive certification shall remain in effect until December 30, 2018; and

BE IT FURTHER RESOLVED that any changes to the facts upon which this substantive certification is based or any deviations from the terms and conditions of this substantive certification which affect the ability of Delaware Township to provide for the realistic opportunity of its fair share of low and moderate income housing and which the Township fails to remedy, may render this certification null and void.

I hereby certify that this resolution was duly adopted by the Council on Affordable Housing at its public meeting on August 12, 2009.

A handwritten signature in black ink, reading "Reneé Reiss". The signature is fluid and cursive, with the first name "Reneé" and last name "Reiss" clearly distinguishable.

Reneé Reiss, Secretary, Council on Affordable Housing



***Council on Affordable Housing
Compliance Report
July 24, 2009***



Municipality: Delaware Township
County: Hunterdon

COAH Region: 3
Planning Area: 4, 4B, 5
Special Resource Area: None

Housing Element and Fair Share Plan Adopted: 12/02/2008
Petition for 3rd Round Substantive Certification: 12/30/2008
Completeness Determination: 3/13/2009
Date of Publication: 3/19/2009

Objections Received: No

Petition Includes:

VLA: No
GPA: No
Waiver: No

Date of Site Visit: July 24, 2009

History of Approvals:

	COAH	JOC	N/A
First Round:	5/20/1987		
Second Round:	1/10/1996		
Extended Certification:	7/27/2005		

Plan Preparer: Shirley Bishop, P.P.

Municipal Housing Liaison: Judith Allen, Clerk

Recommendation: Grant Substantive Certification

SUMMARY OF FAIR SHARE OBLIGATION

Rehabilitation Share	8
Prior Round Obligation	23
Projected Growth Share Obligation (Net)	52

ACTUAL GROWTH and GROWTH SHARE through September 2008¹

Res Units (#)	Actual Res Growth Share	Jobs (#)	Actual Non-Res Growth Share	Actual TOTAL Growth Share
49	9.8	16	1	11

COMPLIANCE PLAN SUMMARY

Obligation	Credit/ Mechanism Type	# Units Completed	# Units Proposed	TOTAL
Rehabilitation: 8 units				
Program(s)	County Rehab Program	8		8
Rehabilitation Subtotal				8
NEW CONSTRUCTION:				
Prior Round: 23 units				
Credits	Prior Cycle	6		6
	Post-1986	12		12
Proposed Mechanism(s)	Supportive/Special Needs		1	1
Prior Round Bonus(es)	Rental	4		4
Prior Round Subtotal				23
Growth Share: 52 units				
Credits	Post-1986	3		3
Proposed Mechanism(s)	Supportive/Special Needs		11	11
	Accessory Apartments		10	10
	Municipally Sponsored 100 percent affordable projects		15	15
Growth Share Bonus(es)	Rental	-	13	13
Growth Share Subtotal				52

¹ This growth share number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

I. HOUSING ELEMENT

Pursuant to N.J.S.A. 40:55D-28(b), the Housing Element is a required section of the Municipal Master Plan. The Housing Element must be designed to achieve the goal of access to affordable housing to meet existing and future housing needs, with special attention given to low- and moderate-income households. The housing needs analysis must include demographic information on existing and projected housing stock and employment characteristics, a quantification of low- and moderate-income housing need, and a consideration of the lands within the municipality that are most appropriate to accommodate such housing. Delaware's Housing Element includes sufficient information regarding housing stock, demographic and employment characteristics and population trends pursuant to N.J.S.A. 52:27D-310.

Under N.J.A.C. 5:97-2.1(b), the Housing Element must also set forth the municipality's fair share obligation, which is the sum of the rehabilitation share, the prior round obligation, and the growth share.

A. Rehabilitation Share

The rehabilitation share is the number of existing housing units within a municipality as of April 1, 2000, that are both deficient and occupied by households of low or moderate income. As indicated in Appendix B of N.J.A.C. 5:97, Delaware Township has a rehabilitation share of eight units.

B. Prior Round Obligation

The prior round obligation is the cumulative 1987-1999 new construction obligation provided in Appendix C of N.J.A.C. 5:97. Delaware has a prior round obligation of 23 units.

C. Projected Growth Share

The projected growth share is initially calculated based on household (residential) and employment (non-residential) 2004-2018 projections. Pursuant to Appendix F of N.J.A.C. 5:97, Delaware has a residential projection of 227 units and a non-residential projection of 142 jobs, which results in a initial projected growth share obligation of 54 affordable units. However, after subtracting the allowable exclusions itemized in Worksheet A (Attachment 1), the Township's

residential projection is reduced to 214. Therefore, the Township's total projected growth share for the period 1999-2018 is 52 affordable units consisting of a 42.8-unit projected residential growth share and a projected non-residential growth share of 8.88.²

SUMMARY OF FAIR SHARE OBLIGATION

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Prior Round Obligation	23
Projected Growth Share Obligation (Net)	52

II. FAIR SHARE PLAN

A Fair Share Plan, as required under N.J.A.C. 5:97-3.1, describes the completed or proposed mechanisms and funding sources, if applicable, that will be utilized to specifically address a municipality's rehabilitation share, prior round obligation, and growth share obligation and includes the draft ordinances necessary to implement that plan. Affordable housing must be provided in direct proportion to the growth share obligation generated by the actual growth.

Delaware Township's Fair Share Plan, and the supporting documentation incorporated by reference therein, address the requirements of N.J.A.C. 5:97-3.1 as follows:

A. Plan to Address Rehabilitation Share

Rehabilitation Share Credits

Delaware is requesting credit for eight units rehabilitated subsequent to April 1, 2000. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

² The Township's residential projection of 214 is divided by 5 to yield 42.8 units and the nonresidential projection of 142 jobs is divided by 16 to yield 8.88 units. The Borough's total projected growth share is therefore 52 units (42.8 + 8.88).

Rehabilitation Credits

Rehabilitation Program	# Credits
County Rehab Program	8
TOTAL	8

B. Plan to Address Prior Round Obligation

Prior Round Obligation Credits

Delaware is addressing its prior round obligation with six prior cycle credits and 12 post-1986 credits, including four rental bonuses. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Prior Cycle Credits

Project/Development Name	Year	Type of Affordable Unit	# Units/Bedrooms
ARC group home	1982	Supportive/Special Needs	6
TOTALS			6

Post-1986 Credits

Project/Development Name	Year	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Completed RCA with Lambertville/Hunterdon	2000	RCA	5	-	-	5
Raven Rock	2005	Family	1	Rental	1	2
Perimeter inclusionary development ³	2007	Family Rental	3	-	-	3
Allies group home I	2009	Supportive/Special Needs	3	Rental	3	6
TOTALS			12		4	16

³ Perimeter consists of six built family rental units. Delaware's plan included this completed project as a mechanism to address its projected growth share obligation. However, pursuant to N.J.A.C. 5:97-4.1(a), credits and corresponding bonuses for previous housing activity must be applied toward the prior round obligation before the credits may be applied toward the growth share obligation. Therefore, three credits for Perimeter have been applied toward the prior round and three have been applied toward the growth share. As a result, three units from the proposed accessory apartment program have been moved to growth share.

Approved But Not Occupied

Allies I - Supportive and Special Needs Housing

Pursuant to N.J.A.C. 5:97-6.10, Allies has converted an existing home into a three-bedroom group home. The house was purchased by the Township and Allies in June 2008 and rehabilitation has been completed. Allies is expecting that the license and occupancy of the group home will take place in the next few weeks. The Township will forward the license and deed restriction to COAH once completed.

The site is located in Planning Area 4B. However, the site is suitable and is consistent with sound planning principles and the goals, policies and objectives of the SDRP, pursuant to N.J.A.C. 5:97-3.13. There are no environmental constraints on the property. Residential and agricultural uses surrounding the property. The house is served by on-site septic and well.

Pursuant to N.J.A.C. 5:97-6.10(e)5, Delaware has submitted an agreement with Allies for the operation of the facilities. Pursuant to N.J.A.C. 5:97-6.10(e)6, Delaware has submitted an estimated cost for the project and evidence of adequate and stable funding for the project. ARC will be receiving operating funds from the Department of Developmental Disabilities. Delaware Township has already provided \$105,000 to Allies from its affordable housing trust fund for the purchase of the house. The Township has submitted a spending plan and a resolution of intent to bond in the event of a shortfall in funding that was adopted on March 9, 2009. **[3 Special Needs bedrooms]**

Proposed Affordable Housing Mechanisms

Delaware proposes to address the remaining one-unit prior round obligation through the following mechanisms:

ARC Senior Shared Living - Supportive and Special Needs Housing

Pursuant to N.J.A.C. 5:97-6.10, ARC is proposing to create eight age-restricted shared living bedrooms for seniors with developmental disabilities in two buildings on municipally owned property. The Shared Living Facility was in the Township's second round certified plan and was to be developed by NORWESCAP. NORWESCAP received planning board approvals in 2005. The property will be transferred to ARC and ARC will be taking over NORWESCAP's

approvals. The Township is requesting that one of the bedrooms will be used to address the prior round obligation and that seven bedrooms be used to address the growth share obligation.

The site is located in Planning Area 4. However, the site is suitable, has adequate sewer and water capacity available, and is consistent with sound planning principles and the goals, policies and objectives of the SDRP, pursuant to N.J.A.C. 5:97-3.13. There are no environmental constraints on the property. Residential uses surround the property.

Pursuant to N.J.A.C. 5:97-6.10(e)5, Delaware has submitted an agreement with ARC for the construction and operation of the facilities. Pursuant to N.J.A.C. 5:97-6.10(e)6, Delaware has submitted an estimated cost for the project and evidence of adequate and stable funding for the project. ARC anticipates receiving funds from the Department of Developmental Disabilities. The Township has already provided \$91,798 for site work for the project and has committed to providing an additional \$50,000 to ARC from its affordable housing trust fund. The Township has submitted a spending plan and a resolution of intent to bond in the event of a shortfall in funding that was adopted by the Township on March 9, 2009. In addition, the Borough has submitted a construction schedule. The construction schedule indicates that building permits are anticipated to be issued in 2011 and 2012, which is within two years of substantive certification pursuant to N.J.A.C. 5:97-6.7(b)3.

Prior to marketing the affordable units, Delaware must submit the required items pursuant to N.J.A.C. 5:97-6.10(f). **[1 Special Needs age-restricted bedroom]**

Proposed Prior Round Affordable Housing Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Proposed ARC group homes ⁴	Supportive/Special Needs-age-restricted	1	-	-	1
TOTALS		1		-	1

⁴ The ARC group homes will contain eight bedrooms. Delaware is requesting that one of the bedrooms be used to address the Township's prior round obligation and the remaining seven bedrooms be used to address the growth share obligation.

Prior Round Obligation Parameters

Delaware has satisfied the applicable Prior Round parameters as follows:

Prior Round Rental Obligation⁵: 4 Units

Development/Project Name	Type of Affordable Unit	# Units
Raven Rock	Family Rental	1
Perimeter	Family Rental	3
Allies group home I	Supportive/Special Needs	3
Proposed ARC group homes	Supportive/Special Needs-age-restricted	1
TOTAL		8

Prior Round Age-Restricted Maximum:⁶ 3 Units

Development/Project Name	Type of Affordable Unit	# Units
Proposed ARC group homes	Supportive/Special Needs-age-restricted	1
TOTAL		1

Regional Contribution Agreement (RCA) Maximum:⁷ 8 Units

Receiving Municipality(s)	Type of Affordable Unit	# Units
RCA with Lambertville	RCA	5
TOTAL		5

⁵ Rental Obligation: $.25$ (Prior Round Obligation-Prior Cycle Credits) or $.25 (23-6) = 4.25$ or 4 units
N.J.A.C. 5:97-3.10(b)1

⁶ Age-Restricted Maximum= $.25$ (Prior Round Obligation + Rehabilitation Share - Prior Cycle Credits - Rehabilitation Credits -Transferred RCA Units Addressing the Prior Round Obligation) or $.25(23+8-6-8-5) = 3$ units. N.J.A.C. 5:97-3.10(c)1.

⁷ RCA Maximum: RCA Maximum = $.50$ (Prior Round Obligation + Rehabilitation Share - Prior Cycle Credits - Rehabilitation Credits) or $.50(23+8-6-8) = 8.5$ or 8 N.J.A.C. 5:97-3.10(d)1

Prior Round Rental Bonus Maximum:⁸ 4 Units

Development/Project Name	Type of Bonus	# Bonuses
Raven Rock	Rental	1
Allies group home I	Rental	3
TOTAL		4

C. Plan to Address Projected Growth Share

Growth Share Obligation Credits

Delaware is addressing three units of the projected growth share obligation with three credits for built units. In accordance with N.J.A.C. 5:97-4.1(d), all credits will be verified and validated during monitoring subsequent to substantive certification pursuant to N.J.A.C. 5:96-11.

Post-1986 Credits

Project/Development Name	Year Built or Approved	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Perimeter inclusionary development ⁹	2007	Family Rental	3	-	-	3
TOTALS			3		-	3

Proposed Affordable Housing Mechanisms

The Township proposes to address its remaining 49-unit projected growth share obligation through the following mechanisms:

ARC Senior Shared Living - Supportive and Special Needs Housing

As described above under Section II, Part B, of this report, one bedroom of the eight bedroom proposed age-restricted shared living facilities will be used to address a portion of

⁸ No rental bonuses shall be granted for rental units in excess of the prior round rental obligation, therefore, PR Rental Bonus Maximum = PR Rental Obligation N.J.A.C. 5:97-3.5

⁹ Three credits for Perimeter have been applied toward the prior round and three have been applied toward the growth share.

Delaware's prior round obligation and seven bedrooms will be used to address the growth share obligation. **[7 Special Needs age-restricted bedrooms]**

Accessory Apartment Program

Pursuant to N.J.A.C. 5:97-6.8, Delaware may propose accessory apartments to address its affordable housing obligation provided the municipality's housing stock lends itself to accessory apartments. Delaware's Fair Share Plan proposes a 10-unit Accessory Apartment program in all its residential zones that permit single-family homes. A municipality may receive credit up-front for up to 10 accessory apartment units, or an amount equal to a combined total of 10 percent of the fair share obligation, whichever is greater, unless the municipality has demonstrated a successful history of an accessory apartment program. Pursuant to N.J.A.C. 5:97-6.8(d)5, Delaware states that its housing stock lends itself to accessory apartments because it is primarily rural and consists of large lots with outbuildings that can be converted into accessory apartments. In addition, accessory apartments can be included in existing homes. The accessory apartments will be served by on-site wells and septic systems.

Delaware will provide the minimum subsidy required. Subsidy may be used to fund actual construction costs and/or to provide compensation for reduced rental rates. Delaware will fund the program with its affordable housing trust fund. The Township has submitted a spending plan and a resolution of intent to bond in the event of a shortfall in funding, which was adopted by the Township on March 9, 2009.

The units will be administered by the Township's in-house affordable housing administrator, Danene Gooding. Pursuant to N.J.A.C. 5:97-6.8(e), Delaware has submitted an affirmative marketing plan and written operating manual for administering the program. The units must be affirmatively marketed, and have the proper affordability controls, low/moderate split and rental pricing. The units will have 10-year affordability controls, pursuant to N.J.A.C. 5:97-6.8(c)1.

Delaware is requesting 10 family rental credits for the program. Delaware has submitted a draft accessory apartment ordinance. The ordinance must be adopted within 45 days of substantive certification. **[10-unit Accessory Apartment Program]**

Allies II - Supportive and Special Needs Housing

Pursuant to N.J.A.C. 5:97-6.10, Delaware is proposing to create an additional four bedroom group home in an existing home in cooperation with Allies. The Township has submitted a spending plan and a resolution of intent to bond in the event of a shortfall in funding, which was adopted by the Township on March 9, 2009. The spending plan allocates \$200,000 for the group home.

Pursuant to N.J.A.C. 5:97-3.2(a)4, the Township has provided an implementation schedule that sets forth a detailed timetable that demonstrates a realistic opportunity and for submittal of all the required information and documentation required by N.J.A.C. 5:97-6.10. The Township's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.10(e), with certificates of occupancy being issued in 2014 and as such, supporting documentation is required to be submitted to COAH two years before construction begins, in 2011. **[4 Special Needs bedrooms]**

Skylands Estates - Municipally Sponsored 100% Affordable Development

Pursuant to N.J.A.C. 5:97-6.7, Delaware is proposing to construct 15 affordable family rental units in a future 100 percent affordable project, known as the Skylands Estates. The Township is proposing to deed restrict three of the units as very-low income units.

The property is owned by Lonnie S. Lauer. Delaware is currently in negotiations with the owner of the property. The Skylands Estates site is located on Route 12 (Block 1, Lot 15). Currently there is an existing single family house on the property and some outbuildings on the site. They will be subdivided off and sold separately. The rear portion of the site will be deed restricted for affordable housing purposes only at the time of subdivision. The resulting back lot will be a flag lot configuration with a new road. Delaware has submitted a draft zoning ordinance for the site. The ordinance is scheduled for second reading on August 10, 2009.

The site is located in Planning Area 4B. However, the site is suitable, and is consistent with sound planning principles and the goals, policies and objectives of the SDRP, pursuant to N.J.A.C. 5:97-3.13. The site is approximately 24 acres. There are no environmental constraints on the property, except for a small amount of wetlands toward the back of the property. It has

frontage along Route 12 and residential, retail/commercial and farm uses surround the property. The Township anticipates that the site will be served by on-site septic and wells. The property will be divided into three lots, each with five units. Each lot will handle less than 2,000 gallons per day and, therefore, no DEP review is necessary.

Delaware anticipates that the developer will seek federal and state funding for the project, including Low Income Housing Tax Credits. The Township has submitted a resolution of intent to bond in the event of a shortfall in funding that was adopted on March 9, 2009.

Pursuant to N.J.A.C. 5:97-3.2(a)4, the Township has provided an implementation schedule that sets forth a detailed timetable that demonstrates a realistic opportunity for submittal of all the required information and documentation required by N.J.A.C. 5:97-6.7. The Township's mechanism checklist form includes a timetable for each step of the development process in accordance with N.J.A.C. 5:97-6.7(d), with certificates of occupancy being issued in 2014-2015 and as such, supporting documentation is required to be submitted to COAH two years before construction begins, in 2011.

The affordable units must meet the requirements of the Uniform Housing Affordability Controls (N.J.A.C. 5:80-1 et seq.) with regard to controls on affordability, affirmative marketing, rental pricing, low/moderate split and bedroom distribution. Prior to marketing the affordable units, Delaware must submit the required items pursuant to N.J.A.C. 5:97-6.7(e).

Delaware is requesting 13 rental bonuses for the affordable units. Delaware has submitted a letter of commitment from the owner of the site for 15 affordable family rental units. The Township should note that in the event the units are not constructed in accordance with its implementation schedule, Delaware may lose the rental bonuses pursuant to N.J.A.C. 5:97-3.6(a)3ii. **[15 family rental units in a municipally sponsored 100 percent affordable development plus 13 rental bonuses]**

Proposed Affordable Housing Mechanisms

Type/Name of Affordable Housing Mechanism	Type of Affordable Unit	# Units/Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
ARC group home	Supportive/Special Needs-age-restricted	7	-	-	7
Accessory Apartment Program	Family Rental	10	-	-	10
Allies II group home	Supportive/Special Needs	4	-	-	4
Skylands Municipally Sponsored 100% Affordable	Family Rental	15	Rental	13	28
TOTALS		36		13	49

Growth Share Parameters

Delaware has satisfied the applicable Growth Share parameters as follows:

Growth Share Rental Obligation:¹⁰ 13 Units

Development/Project Name	Type of Affordable Unit	# Units
Perimeter inclusionary	Family Rental	3
Skylands Municipally Sponsored 100% Affordable (out of 15 units)	Family Rental	2
Accessory Apartments	Family Rental	10
Proposed ARC group home bedrooms	Supportive/Special Needs-age-restricted	7
Allies II group home	Supportive/Special Needs	4
TOTAL		26

¹⁰ Projected Growth Share Rental Obligation: $.25(\text{Projected Growth Share})$ or $.25(52) = 13$ units
N.J.A.C. 5.97-3.10(b)3

Growth Share Family Rental Requirement:¹¹ 7 Units

Development/Project Name	Type of Affordable Unit	# Units
Perimeter inclusionary	Family Rental	3
Skylands Municipally Sponsored 100% Affordable	Family Rental	15
Accessory Apartments	Family Rental	10
TOTAL		28

Growth Share Minimum Family Requirement:¹² 20 Units

Development/Project Name	Type of Affordable Unit	# Units
Perimeter inclusionary	Family Rental	3
Skylands Municipally Sponsored 100% Affordable	Family Rental	15
Accessory Apartments	Family Rental	10
TOTAL		28

Very Low Income Minimum Requirement:¹³ 5 Units

Development/Project Name	Type of Affordable Unit	# Units
Proposed ARC group home	Supportive/Special Needs-age-restricted	2
Skylands Municipally Sponsored 100% Affordable	Family Rental	3
TOTAL		5

¹¹ Projected Growth Share Family Rental Requirement: $.5(\text{Rental Obligation})$ or $.5(13)= 6.5$ or 7 units N.J.A.C. 5:97-3.4(b)

¹² Projected Growth Share Family Requirement: $.5$ (Units Addressing the Growth Share Obligation) or $.5(39)= 19.5$ or 20 units N.J.A.C. 5:97-3.9

¹³ Growth Share Very Low Income Requirement: $.13(\text{Units Addressing the Growth Share Obligation})$ or $.13(39)= 5.07$ or 5 units N.J.S.A. 52:27D-329.1

Age-Restricted Maximum:¹⁴ 13 Units

Development/Project Name	Type of Affordable Unit	# Units
Proposed ARC group home	Supportive/Special Needs-age-restricted	7
TOTAL		7

Bonus Maximum:¹⁵ 13 Bonuses

Development/Project Name	Type of Bonus	# Bonuses
Skylands Municipally Sponsored 100% Affordable	Rental	13
TOTAL		13

Actual Growth Share Obligation

The actual growth share obligation will be based on permanent certificates of occupancy issued within the municipality for market-rate residential units and newly constructed or expanded non-residential developments in accordance with Appendix D of N.J.A.C. 5:97. At plan evaluation review pursuant to N.J.A.C. 5:96-10, COAH will compare the actual growth share obligation with the actual number of affordable units constructed.

The New Jersey Department of Community Affairs (NJ DCA) *Construction Reporter* indicates that between January 1, 2004 and September 2008, Delaware has issued certificates of occupancy for 49 housing units and also for the nonresidential square footage equivalent of 16 jobs, yielding an actual growth share obligation through September 30, 2008, of 11 affordable units.¹⁶

¹⁴ Projected Growth Share Age Restricted Maximum: $.25(\text{Projected Growth Share})$ or $.25(52) = 13$ units
N.J.A.C. 5:97-3.10(c)2

¹⁵ Projected Bonus Maximum: $.25(\text{Projected Growth Share})$ or $.25(52) = 13$ units N.J.A.C. 5:97-3.20

¹⁶ The number of residential COs (49) is divided by 5 to yield 9.8 units and the number of jobs (16) is divided by 16 to yield 1 unit. Delaware's total projected growth share is therefore 11 units ($9.8 + 1$). **Note:** This number does not take into account allowable exclusions permitted under N.J.A.C. 5:97-2.5; therefore, the actual growth share may vary.

D. Summary of Plan to Address Fair Share Obligation

REHABILITATION SHARE SUMMARY

Rehabilitation Share: 8 Units

Rehabilitation Program	# Units
County Rehab Program Credits	8
TOTAL	8

PRIOR ROUND SUMMARY

Prior Round Obligation: 23 Units

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Prior Cycle Credits	ARC group home	6			6
Post-1986 Credits	Completed RCA with Lambertville/Hunterdon	5	-	-	5
	Raven Rock	1	Rental	1	2
	Perimeter inclusionary	3	-	-	3
	Allies group home	3	Rental	3	6
Subtotal		18		4	22
TOTAL					22
Proposed Mechanisms	ARC group home- age-restricted	1	-	-	1
Subtotal		1		-	1
TOTAL					23

GROWTH SHARE SUMMARY

Projected Growth Share Obligation: 52 Units

	Name of Mechanism	# Units/ Bedrooms	Bonus Type	# Bonuses	Total Units/Bedrooms + Bonuses
Prior Cycle Credits	N/A	-			-
Post-1986 Credits	Perimeter Inclusionary	3	-	-	3
Subtotal		3		-	3
Proposed Mechanisms	ARC group home-age-restricted	7	-	-	7
	Accessory Apartment Program	10	-	-	10
	Allies II group home	4	-	-	4
	Skylands Municipally Sponsored 100% Affordable	15	Rental	13	28
Subtotal		36		13	49
TOTAL					52

III. FAIR SHARE DOCUMENT REVIEW

A. Development Fee Ordinance

Delaware's second round approved plan included a development fee ordinance that was approved by COAH on November 2, 1994, and adopted by the Township on December 27, 1994. COAH granted Delaware approval of an amendment to its development fee ordinance on April 28, 2006, which was adopted by the Township on September 11, 2006. Delaware submitted a draft amended development fee ordinance for COAH's review and approval with its third round petition. The amended development fee ordinance was approved by COAH on March 26, 2009.

B. Third Round Spending Plan

COAH approved Delaware's initial spending plan on November 11, 1995 and an amendment to the spending plan was approved on May 5, 1999. A third round spending plan was submitted by Delaware with the Township's third round petition for COAH's review and approval. The spending plan will be reviewed by COAH in a separate report.

C. Affordable Housing Ordinance/Affordable Housing Administration

Delaware Township has an adopted fair share ordinance for its prior round obligation. Delaware has submitted a revised draft fair share ordinance that comports with the requirements of UHAC, which was amended on December 20, 2004. The draft proposed ordinance includes compliance with barrier free sub code of the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and the accessibility requirements of N.J.S.A. 52:27D-123.15. The draft ordinance must be adopted within 45 days of COAH's grant of substantive certification and submitted to COAH immediately upon adoption.

An ordinance establishing the position of a municipal housing liaison was adopted by the Township on May 17, 2006, and a resolution appointing a municipal housing liaison was adopted on April 1, 2009.

Delaware is responsible for the continued re-sale and re-rental of existing affordable units and the initial sale and rental of newly constructed affordable units within the Township and must designate an experienced administrative entity for that purpose. Delaware has an in-house administrative agent who administers all of the Township's affordable units, except for the group homes, which will be administered by the group home providers. Delaware has submitted a written operating manual for its accessory apartment program.

D. Affirmative Marketing Plan

Delaware has submitted an affirmative marketing plan that comports with the requirements of the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq. and ensures the units in the Township's 1987-2018 Fair Share Plan and all future affordable housing units will be affirmatively marketed to the region upon initial sale/rental and re-sale/re-rental. Once approved by COAH, the affirmative marketing plan must be adopted by resolution by the Township within 45 days of COAH's grant of substantive certification and submitted to COAH.

IV. COMMENTS

Adam M. Gordon, on behalf of Fair Share Housing Center (FSHC), submitted a letter dated May 4, 2009, commenting on Delaware's Fair Share Plan during the 45-day objection period.

FSHC states that the letter is not intended as an objection to the Township's plan pursuant to N.J.A.C. 5:96-4.1; however FSHC does express concerns regarding the Delaware's using all supportive/special needs housing units to address the Township's very-low income obligation. FSHC states that the Township must address half of its very-low income obligation with family housing, pursuant to a letter that COAH issued to municipalities on October 30, 2008.

FSHC's comment has been addressed by the Township. On July 21, 2009, COAH received a letter from Delaware stating their intent to address half of the very-low income obligation with three family units from the Skylands municipally sponsored construction project.

V. MONITORING

Delaware must comply with COAH monitoring requirements as set forth in N.J.A.C. 5:96-11, including reporting the municipality's actual growth pursuant to N.J.A.C. 5:97-2.5. As indicated above, credits for built units will be validated and verified by COAH staff during monitoring prior to the first biennial plan evaluation. It should be noted that credits for affordable housing programs and/or affordable units must be in compliance with N.J.A.C. 5:97-4. If the units are determined not to be eligible for credit, COAH will notify Delaware in writing and the Township may be directed to amend its certified plan to address the shortfall.

Pursuant to N.J.A.C. 5:96-10.1, COAH will conduct biennial plan evaluations upon substantive certification of Delaware's Housing Element and Fair Share Plan. The purpose of the plan evaluation is to verify that the construction or provision of affordable housing has been in proportion to the actual residential growth and employment growth in the municipality and to determine that the mechanisms addressing the projected growth share obligation continue to present a realistic opportunity for the creation of affordable housing. If upon any biennial review the difference between the number of affordable units constructed or provided in Delaware and

the number of units required pursuant to N.J.A.C. 5:97-2.5 results in a pro-rated production shortage of 10 percent or greater, Delaware is not adhering to its implementation schedule pursuant to N.J.A.C. 5:97-3.2(a)4, or the mechanisms addressing the projected growth share obligation no longer present a realistic opportunity for the creation of affordable housing, the Council may direct the Township to amend its plan to address the shortfall.

VI. RECOMMENDATION

COAH staff recommends that Delaware be granted third round substantive certification. Delaware must adopt all necessary implementing ordinances within 45 days of the grant of substantive certification and submit certified copies of the adopted ordinances to COAH within seven days of the adoption.